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IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/168/2026
THE ARMENIAN COLLEGE AND PHILANTHROPIC
ACADEMY AND ANR.
VS

EMPLOYEES' PROVIDENT FUND ORGANIZATION AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA DUTT (PAUL)

Date : 9th April, 2026.

Appearance:

Mr. Soumyo Majumder, Sr. Adv.

Mr. Sarosij Dasgupta, Adv.

Mr. Soumyajit Mishra, Adv. ...for petitioners.

Mr. Sushovit Dutt Majumder, Adv.

Mr. Victor Chatterjee, Adv.

Ms. Pubali Sinha Chowdhury, Adv.

Mr. Sagnik Shaw, Adv. ...for respondent no.4.

1. Affidavit of service filed today be kept with the record.
2. The writ application has been preferred challenging the order dated 30th September, 2025 passed by the respondent no.2 being the Regional Provident Fund Commissioner-II, Kolkata and also letter dated 25th March, 2026 issued by the respondent authorities. Vide the impugned letter dated 25th March, 2026, the respondent no.2 herein has issued a letter to the Branch Manager, Bank of India directing the Bank to pay the amount as demanded to the authority concerned.
3. It is submitted by Mr. Majumder, learned senior counsel appearing for the petitioners that vide the impugned order dated

30th September, 2025, the respondent authorities have passed an order in a proceeding under Section 7A of the EPF Act against the petitioners herein. It is further submitted that the petitioners being under the wrong impression that as they were parties to the EPF appeal filed by the respondent no.4 herein, before the Central Government Appellate Tribunal, Kolkata in Appeal No.EPF-03 of 2026, against the impugned orders they would also be covered by the judgment in the appeal before the Tribunal.

4. It is now, the case of the petitioners herein that subsequently on receiving legal advice they have approached the Court seeking leave to prefer an appeal before the Tribunal against the impugned order. It is submitted that there is a delay of 12 days and if the same be condoned for the reason that the petitioners were under wrong impression that their relief would be addressed in EPF-03 of 2026. It is further submitted that a statutory authority may have limited powers to extend the statutory period of limitation, but a constitutional Court has the power to condone such delay in the interest of justice on sufficient cause being shown.
5. Admittedly, the respondent no.4 herein has preferred the appeal being EPF-03 of 2026. As such, the impugned order dated 30th September, 2025 and the attachment order dated 25th March, 2026 are subject matter of the appeal and the same has been

stayed by this court in WPO/149/2026 vide an order dated 31st March, 2026. As such, the petitioners herein at this stage is also protected, vide the said order dated 31st March, 2026 against the order dated 30th September, 2025 and the attachment order dated 25th March, 2026.

- 6.** Considering that the petitioners apprehend that as it is only a respondent, in the respondent no.4's appeal and in case the matter is decided against the petitioner, the petitioner will be severely prejudiced and, as such, prays for leave to prefer an appeal.
- 7.** Accordingly, the petitioner herein is granted leave to prefer an appeal before the Central Government Industrial Tribunal within 30 days from the date of this order. The period of limitation is extended accordingly in the interest of justice, on cause shown being sufficient.
- 8.** Thus, the impugned order dated 30th September, 2025 and the attachment order dated 25th March, 2026 be stayed till disposal of the appeal by the CGIT, as there is no permanent Presiding Officer at present at the Tribunal
- 9.** It is made clear that in case no appeal is preferred within the period, as permitted the order of stay shall stand automatically vacated and the respondent authorities shall be at liberty to proceed in accordance with law. It is made clear that this Court has not gone into the merits of the case.

10. Writ application stands disposed of.

(SHAMPA DUTT (PAUL), J.)

pkd/nm.